

**PROPOSAL FOR A DRAFT ORDER IN COUNCIL UNDER PARAGRAPH
1(1) OF THE SCHEDULE TO THE NORTHERN IRELAND ACT 2000**

DRAFT STATUTORY INSTRUMENTS

2007 No. (N.I.)

NORTHERN IRELAND

**The Licensing and Registration of Clubs (Amendment)
(Northern Ireland) Order 2007**

Made - - - - - 2007

*Coming into operation in accordance with Article
1(2) and (3)*

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At the Court at Buckingham Palace, the ** day of ** 2007

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Licensing and Registration of Clubs (Amendment) (Northern Ireland) Order 2007.

(2) This Article and Article 2 shall come into operation on the expiration of 7 days from the day on which this Order is made.

(3) The other provisions of this Order shall come into operation on such day or days as the Department may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“the Department” means the Department for Social Development;

“the Licensing Order” means the Licensing (Northern Ireland) Order 1996 (NI 22);

“the Registration of Clubs Order” means the Registration of Clubs (Northern Ireland) Order 1996 (NI 23);

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

PART II
LICENSING

Permitted hours

3.—(1) For Article 44 of the Licensing Order substitute—

“Orders for additional permitted hours

44.—(1) Subject to Article 17(3), in respect of premises to which this Article applies—

- (a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration; or
- (b) a court of summary jurisdiction, at any time upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 8A,

may make an order under this paragraph.

(2) Subject to paragraph (3), an order under paragraph (1) may direct that, on such days as may be specified, such hours as may be specified, being within the hours—

- (a) on week-days from 11 in the evening to 2 in the morning of the day next following; and
- (b) on Sunday, not being 31st December, from 10 in the evening to 12 in the evening; and
- (c) on Sunday, being 31st December, from 10 in the evening to 2 in the morning of the day next following,

shall, in addition to the hours mentioned in Article 42(1), be included in the permitted hours for the premises specified for the purposes of the sale of intoxicating liquor for consumption on the premises, and the consumption of such liquor.

(3) A court shall not make an order under paragraph (1) unless it is satisfied that—

- (a) the business will be conducted during the hours mentioned in paragraph (2) and any period immediately following their termination in such a manner as not to cause undue inconvenience to persons residing in the vicinity of the premises; and
- (b) the hours mentioned in paragraph (2) will not cause undue inconvenience to persons residing in the vicinity of the premises.

(4) An order under paragraph (1) may be revoked by a court of summary jurisdiction on the application of the holder of the licence.

(5) Where, upon complaint made under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981, a court of summary jurisdiction is satisfied—

- (a) that the business carried on in premises to which an order under paragraph (1) applies is being conducted during the hours mentioned in paragraph (2) or any period immediately following

their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises;
or

- (b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises;

the court may—

- (i) revoke the order; or
(ii) modify the order or, in relation to the order, the hours mentioned in paragraph (2); or
(iii) make the continuance of the order subject to such terms and conditions as the court thinks fit.

(6) Nothing in this Article shall permit an order under paragraph (1) to authorise the sale of intoxicating liquor on Christmas Day, Easter Day or Good Friday.

(7) The premises to which this Article applies are—

- (a) an hotel;
(b) a restaurant;
(c) a conference centre;
(d) a higher education institution;
(e) an indoor arena;
(f) premises of a kind mentioned in Article 5(1)(a).

(8) In this Article “specified” means specified in an order under paragraph (1).”.

(2) After Schedule 8 to the Licensing Order insert as Schedule 8A the Schedule set out in Schedule 1.

(3) Omit Article 45 of the Licensing Order (authorisations for additional permitted hours).

Occasional licences and extension licences

4.—(1) In Article 30 of the Licensing Order (occasional licences) in paragraphs (1)(c)(i) and (iii), for “1 in the morning” substitute “2 in the morning”.

(2) In Article 47 of the Licensing Order (extension licences for sale, etc., of liquor in certain premises outside permitted hours)—

- (a) in paragraphs (1)(b)(i) and (iii), for “1 in the morning” substitute “2 in the morning”;
(b) in paragraph (6), for sub-paragraph (b) substitute—

“(b) to a person admitted to the premises after half past 1 in the morning or, where the function is due to end before 2 in the morning, less than 30 minutes before the function is due to end.”.

Exceptional permitted hours

5. After Article 44 of the Licensing Order insert the following Article—

PART II

“Orders for exceptional permitted hours

44A.—(1) Subject to Article 17(3), in respect of premises to which this Article applies—

- (a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or
- (b) a court of summary jurisdiction, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 8A,

may make an order under this paragraph.

(2) Subject to paragraphs (3) and (4), an order under paragraph (1) may direct that on such days as may be specified—

- (a) where no order has been made under Article 44(1), such hours as may be specified, being within the hours—
 - (i) on week-days from 11 in the evening to half past 11 in the morning of the day next following (or to half past 12 in the afternoon of the day next following if that is a Sunday); and
 - (ii) on Sunday from 10 in the evening to half past 11 in the morning of the day next following; or
- (b) where an order has been made under Article 44(1), such hours as may be specified, being within the hours—
 - (i) on week-days from the end of the hours mentioned in an order under Article 44(1), to half past 11 in the morning (or to half past 12 in the afternoon if that is a Sunday); and
 - (ii) on Sunday from the end of the hours mentioned in an order under Article 44(1), to half past 11 in the morning of the day next following (or to half past 11 in the morning in the case of Sunday being 31st December),

shall, in addition to the hours mentioned in Article 42(1) (or the hours mentioned in Article 42(1) and an order under Article 44(1) as the case may be), be included in the permitted hours for the premises specified for the purposes of the sale of intoxicating liquor for consumption on the premises, and the consumption of such liquor.

(3) A court shall not make an order under paragraph (1) unless it is satisfied that—

- (a) during the hours mentioned in paragraph (2) on the days to be specified there is to take place a sporting event of national or international interest;
- (b) such an event will be shown, by way of television broadcast or otherwise, during those hours in the premises specified; and
- (c) the premises specified are suitable for the showing of such an event.

(4) Nothing in this Article shall permit the hours mentioned in paragraph (2) to be included in the permitted hours for any premises on more than 6 occasions in any one year.

(5) Regulations may amend the conditions mentioned in paragraph (3) or (4) (including the number of occasions mentioned in paragraph (4)).

(6) Paragraphs (3), (5) and (6) of Article 44 apply to an order under paragraph (1) as they apply to an order under paragraph (1) of that Article.

(7) The premises to which this Article applies are the premises mentioned in paragraph (7) of Article 44.

(8) In this Article “specified” means specified in an order under paragraph (1).”.

Children’s certificates

6. In Article 59 of the Licensing Order (children’s certificates), for paragraph (3) substitute—

“(3) Subject to paragraph (4), a children’s certificate shall be operational—

- (a) where the conditions in paragraph (3A) apply, at any time up to 10 in the evening; or
- (b) in any other case, at any time up to 9 in the evening.

(3A) The conditions referred to in paragraph (3)(a) are that a person under 18 is present at a private function in any part of the licensed premises for which a children’s certificate is in force.

(3B) For the purposes of paragraph (3A), “private function” means a function which has been booked in advance in respect of that part of the licensed premises referred to in paragraph (3A) and at which only those who have been invited to the function are present.”.

Closure of licensed premises etc.

7.—(1) After Part IV of the Licensing Order insert the following Part—

“PART IVA

CLOSURE OF LICENSED PREMISES

Closure of licensed premises in an identified area

Orders to close licensed premises in district experiencing disorder

69A.—(1) Where there is or is expected to be disorder in any petty sessions district, a court of summary jurisdiction acting for the district may make an order requiring licensed premises which are situated at or near the place of the disorder or expected disorder to be closed for a period, not exceeding 24 hours, specified in the order.

(2) A court of summary jurisdiction may make an order under this Article only on the application of a police officer who is of the rank of superintendent or above.

(3) A court of summary jurisdiction may not make such an order unless it is satisfied that it is necessary to prevent disorder.

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(4) Where an order is made under this Article, the holder of a licence or his servant or agent shall be guilty of an offence if he knowingly keeps any licensed premises to which the order relates open, or allows any such premises to be kept open, during the period of the order and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A constable may use such force as may be necessary for the purpose of closing premises ordered to be closed under this Article.

Closure of identified licensed premises

Closure orders for identified licensed premises

69B.—(1) A senior police officer may make a closure order in relation to any licensed premises if he reasonably believes that—

- (a) there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety; or
- (b) a public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

(2) A closure order is an order under this Article requiring licensed premises to be closed for a period not exceeding 24 hours beginning with the coming into force of the order.

(3) In determining whether to make a closure order in respect of any premises, the senior police officer shall have regard, in particular, to the conduct of the holder of the licence and his servant or agent in relation to the disorder or nuisance.

(4) A closure order shall—

- (a) specify the premises to which it relates;
- (b) specify the period for which the premises are to be closed;
- (c) specify the grounds on which it is made; and
- (d) state the effect of Articles 69C to 69G.

(5) A closure order in respect of any licensed premises comes into force at the time a constable gives notice of it to the holder of the licence or his servant or agent.

(6) The holder of a licence or his servant or agent shall be guilty of an offence if, without reasonable excuse, he permits licensed premises to be open in contravention of a closure order or any extension of it and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months, or to both.

Extension of closure order

69C.—(1) Where, before the end of the period for which licensed premises are to be closed under a closure order or any extension of it (the

“closure period”), the responsible senior police officer reasonably believes that—

- (a) a relevant court of summary jurisdiction will not have determined whether to exercise its powers under Article 69F(2) in respect of the closure order, and any extension of it, by the end of the closure period; and
- (b) the conditions for an extension are satisfied,

he may extend the closure period for a further period not exceeding 24 hours beginning with the end of the previous closure period.

(2) The conditions for an extension are that—

- (a) in the case of an order made by virtue of Article 69B(1)(a), closure is necessary in the interests of public safety because of disorder or likely disorder on, or in the vicinity of and related to, the premises;
- (b) in the case of an order made by virtue of Article 69B(1)(b), closure is necessary to ensure that no public nuisance is, or is likely to be, caused by noise coming from the premises.

(3) An extension in relation to any licensed premises comes into force when a constable gives notice of it to the holder of the licence or his servant or agent.

(4) But the extension does not come into force unless the notice is given before the end of the previous closure period.

Cancellation of closure order

69D.—(1) The responsible senior police officer may cancel a closure order and any extension of it at any time—

- (a) after the making of the order, but
- (b) before a relevant court of summary jurisdiction has determined whether to exercise its powers under Article 69F(2) in respect of the order and any extension of it.

(2) The responsible senior police officer shall cancel a closure order and any extension of it if he does not reasonably believe that—

- (a) in the case of an order made by virtue of Article 69B(1)(a), closure is necessary in the interests of public safety because of disorder or likely disorder on, or in the vicinity of and related to, the premises;
- (b) in the case of an order made by virtue of Article 69B(1)(b), closure is necessary to ensure that no public nuisance is, or is likely to be, caused by noise coming from the premises.

(3) Where a closure order and any extension of it are cancelled under this Article, the responsible senior police officer shall give notice of the cancellation to the holder of the licence or his servant or agent.

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Application to court of summary jurisdiction by police

69E. The responsible senior police officer shall, as soon as reasonably practicable after a closure order comes into force in respect of any licensed premises, apply to a relevant court of summary jurisdiction for it to consider the order and any extension of it.

Consideration of closure order by court of summary jurisdiction

69F.—(1) A relevant court of summary jurisdiction shall as soon as reasonably practicable after receiving an application under Article 69E—

- (a) hold a hearing to consider whether it is appropriate to exercise any of the court's powers under paragraph (2) in relation to the closure order or any extension of it; and
- (b) determine whether to exercise any of those powers.

(2) The relevant court of summary jurisdiction may—

- (a) revoke the closure order and any extension of it;
- (b) order the premises to remain, or to be, closed for such period not exceeding 28 days as the court may order;
- (c) in respect of an order under Article 44 or 44A—
 - (i) revoke the order;
 - (ii) modify the order, or in relation to the order, the hours mentioned in Article 44(2) or 44A(2); or
 - (iii) make the continuance of the order subject to such terms and conditions as the court thinks fit;
- (d) by order revoke any other occasional licences granted in respect of that place;
- (e) order that the place specified in the occasional licence shall not be a place for which an occasional licence may be granted.

(3) In determining whether the premises will be, or will remain, closed, the relevant court of summary jurisdiction shall—

- (a) in the case of an order made by virtue of Article 69B(1)(a), consider whether closure is necessary in the interests of public safety because of disorder or likely disorder on the premises, or in the vicinity of and related to, the premises;
- (b) in the case of an order made by virtue of Article 69B(1)(b), consider whether closure is necessary to ensure that no public nuisance is, or is likely to be, caused by noise coming from the premises; and
- (c) in either case, hear representations, if any, from the holder of the licence.

(4) The holder of a licence or his servant or agent shall be guilty of an offence if, without reasonable excuse, he permits licensed premises to be open in contravention of an order under paragraph (2)(b) to (e) and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months, or to both.

(5) In this Article “place” includes premises.

Appeal from decision of court of summary jurisdiction

69G.—(1) Any person aggrieved by a decision of a court of summary jurisdiction under Article 69F may, within 21 days from the day the decision is made, appeal against the decision to the county court in accordance with county court rules.

(2) When an order is made under Article 69F(2)(b) to (e), the order shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the making of the order;
- (b) if such an appeal is brought, until the appeal is abandoned or determined.

Enforcement of closure order

69H. A constable may use such force as may be necessary for the purposes of closing premises in compliance with a closure order.

Exemption of police from liability for damages

69I.—(1) A constable is not liable for relevant damages in respect of any act or omission of his in the performance or purported performance of his functions in relation to a closure order or any extension of it.

(2) The Chief Constable is not liable for relevant damages in respect of any act or omission of a constable under his direction or control in the performance or purported performance of a function of the constable’s in relation to a closure order or any extension of it.

(3) But neither paragraph (1) nor (2) applies—

- (a) if the act or omission is shown to have been in bad faith; or
- (b) so as to prevent an award of damages in respect of an act or omission on the grounds that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998 (c. 42) (incompatibility of act or omission with Convention rights).

(4) This Article does not affect any other exemption from liability for damages (whether at common law or otherwise).

(5) In this Article, “relevant damages” means damages awarded in proceedings for judicial review, the tort of negligence or misfeasance in public office.

Interpretation

Interpretation of Part IVA

69J.—(1) This Article has effect for the purposes of this Part.

(2) Licensed premises are open if a person who is not within paragraph (3) enters the premises and he buys or is otherwise supplied with food or intoxicating liquor.

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- (3) A person is within this paragraph if he is—
- (a) the holder of the licence or his servant or agent;
 - (b) a person who usually lives at the premises, or
 - (c) a member of the family of a person within sub-paragraph (a) or (b).
- (4) The following expressions have the meanings given—
- “closure order” has the meaning given in Article 69B(2);
- “extension”, in relation to a closure order, means an extension of the order under Article 69C;
- “relevant court of summary jurisdiction”, in relation to any licensed premises, means a court of summary jurisdiction acting for the petty sessions district in which the premises are situated;
- “responsible senior police officer”, in relation to a closure order, means—
- (a) the senior police officer who made the order, or
 - (b) if another senior police officer is designated for the purpose by the district commander for the police district in which the premises are situated, that other officer;
- “senior police officer” means a police officer of, or above, the rank of inspector.”.

(2) In Article 2(2) of the Licensing Order—

- (a) in the definition of “licence”, after “65” insert “, Part IVA”;
- (b) in the definition of “licensed premises”, after “58 to 65” insert “, Part IVA”.

(3) Omit Article 49 of the Licensing Order (power of Secretary of State to vary hours in certain circumstances).

Penalty points

8.—(1) Insert the following Articles after Article 71 of the Licensing Order—

“Penalty points

Penalty points to be attributed to an offence

71A.—(1) Where the holder of a licence is convicted of an offence under a provision of this Order specified in column 1 of Schedule 10A (the general nature of which offence is indicated in column 2) then, subject to the following provisions of this Article, the number of penalty points to be attributed to the offence is a number within the range of numbers shown in relation to the offence in column 3 of Schedule 10A.

(2) Where the holder of a licence is convicted (whether on the same occasion or not) of 2 or more offences committed on the same occasion, the total number of penalty points to be attributed to them is the number or highest number that would be attributed on a conviction of one of them (so that if the convictions are on different occasions the number of penalty

points to be attributed to the offences on the later occasion or occasions shall be restricted accordingly).

(3) In a case where (apart from this paragraph) paragraph (2) would apply to 2 or more offences, the court may if it thinks fit determine that that paragraph shall not apply to the offences (or, where 3 or more offences are concerned, to any one or more of them).

(4) Where a court makes such a determination it shall state the reasons for the determination in the order of the court.

(5) The Department may, by order subject to affirmative resolution, alter a range of numbers shown in relation to an offence in column 3 of Schedule 10A (by substituting one range for another, a number for a range, or a range for a number).

Endorsement of licences

71B.—(1) Where the holder of a licence is convicted of an offence under a provision of this Order specified in column 1 of Schedule 10A, the court shall order there to be endorsed on the licence particulars of the conviction and also particulars of the offence, including the date when it was committed.

(2) Where the holder of a licence is convicted of an offence under a provision of this Order specified in column 1 of Schedule 10A—

- (a) subject to paragraph (3), where the provision is one specified in Part I of Schedule 10A, the court may order there to be endorsed on the licence the penalty points to be attributed to the offence;
- (b) subject to paragraph (4), where the provision is one specified in Part II of Schedule 10A, the court shall order there to be endorsed on the licence the penalty points to be attributed to the offence unless for special reasons the court thinks fit not to do so;
- (c) where the provision is one specified in Part III of Schedule 10A, the court shall order there to be endorsed on the licence the penalty points to be attributed to the offence.

(3) Where the holder of a licence who has been convicted of an offence under a provision of this Order specified in Part I of Schedule 10A (“the first offence”) is convicted of an offence under the same provision of this Order committed less than 3 years after the first offence was committed, the court shall order the penalty points to be attributed to the offence to be endorsed on the licence.

(4) Where the holder of a licence who has been convicted of an offence under a provision of this Order specified in Part II of Schedule 10A (“the first offence”) is convicted of an offence under a provision of this Order specified in that Part of that Schedule committed less than 3 years after the first offence was committed, the court shall order the penalty points to be attributed to the offence to be endorsed on the licence.

(5) A court which orders the endorsement of a licence under paragraph (2), (3) or (4) shall order the holder of the licence to deliver it to the clerk of the court within a period specified in the order and if he contravenes

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the order he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or both.

Suspension of licence for repeated offences

71C.—(1) Where the holder of a licence is convicted of an offence under a provision of this Order specified in column 1 of Schedule 10A, the penalty points to be taken into account on that occasion are (subject to paragraph (2))—

- (a) any that are to be attributed to the offence or offences in respect of which the holder of the licence is convicted; and
- (b) any that were on a previous occasion ordered to be endorsed on the licence;

and where the penalty points so taken into account number 10 or more, the court shall, by order, suspend the licence.

(2) If any of the offences are committed more than 3 years before another, the penalty in respect of that offence shall not be added to those in respect of the other.

(3) The period for which a licence is suspended under paragraph (1) shall not be less than 1 week or more than 3 months.

(4) The suspension of a licence under paragraph (1) shall be in addition to any other penalty which may be imposed by the court.

(5) Article 72(5) shall apply where a court suspends a licence under paragraph (1) as it applies where a court suspends a licence under that Article.

(6) A licence may be suspended under paragraph (1) for any period notwithstanding that it is due to expire before the commencement of, or during, that period.”.

(2) After Schedule 10 to the Licensing Order insert as Schedule 10A the Schedule set out in Schedule 2.

(3) In Article 73 of the Licensing Order (suspension of licences on conviction of certain offences), omit—

- (a) paragraph (1)(a);
- (b) in paragraph (2)(a)(i), the words from “other than an offence” to “that sub-paragraph”; and
- (c) paragraph (3).

PART III

REGISTRATION OF CLUBS

Permitted hours

9.—(1) After Article 24 of the Registration of Clubs Order insert the following Article—

“Orders for additional permitted hours

24A.—(1) In respect of a registered club—

- (a) a county court which grants an application for the registration of a club, on the application of the secretary of the club; or
- (b) a court of summary jurisdiction, at any time, upon the application by the secretary of the registered club made in accordance with the procedure set out in Schedule 4A,

may make an order under this paragraph.

(2) Subject to paragraph (4), an order under paragraph (1) (except in the case of a nightworker’s club) may direct that, on such days as may be specified, such hours as may be specified, being within the hours—

- (a) on week-days, from 11 in the evening to 2 in the morning of the day next following; and
- (b) on Sunday, not being 31st December, from 10 in the evening to 12 in the evening; and
- (c) on Sunday, being 31st December, from 10 in the evening to 2 in the morning of the day next following,

shall, in addition to the hours mentioned in Article 24(1), be included in the permitted hours for the registered club.

(3) Subject to paragraph (4), an order under paragraph (1) in the case of a nightworker’s club may direct that, on such days as may be specified, the 3 hours following the end of the permitted hours shall, in addition to the hours mentioned in Article 24(2), be included in the permitted hours for the registered club.

(4) A court shall not make an order under paragraph (1) unless it is satisfied that—

- (a) the supply or consumption of intoxicating liquor will be conducted during the hours mentioned in paragraph (2) or (3) and any period immediately following their termination in such a manner as not to cause undue inconvenience to persons residing in the vicinity of the premises; and
- (b) the hours mentioned in paragraph (2) or (3) will not cause undue inconvenience to persons residing in the vicinity of the premises.

(5) An order under paragraph (1) may be revoked by a court of summary jurisdiction on the application of the secretary of the registered club.

(6) Where, upon complaint made under Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981, a court of summary jurisdiction is satisfied—

- (a) that the supply or consumption of intoxicating liquor in premises of a registered club to which an order under paragraph (1) applies is being conducted during the hours mentioned in paragraph (2) or (3) or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises; or

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- (b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises, the court may—
 - (i) revoke the order;
 - (ii) modify the order or, in relation to the order, the hours mentioned in paragraph (2) or (3); or
 - (iii) make the continuance of the order subject to such terms and conditions as the court thinks fit.

(7) Nothing in this Article shall permit an order under paragraph (1) to authorise the supply of intoxicating liquor on Christmas Day, Easter Day or Good Friday.

(8) In this Article “specified” means specified in an order under paragraph (1).”.

(2) After Schedule 4 to the Registration of Clubs Order insert as Schedule 4A the Schedule set out in Schedule 3.

(3) Omit Article 26 of the Registration of Clubs Order (authorisations for special occasions).

Exceptional permitted hours

10. After Article 24A of the Registration of Clubs Order insert the following Article—

“Orders for exceptional permitted hours

24B.—(1) In respect of a registered club—

- (a) a county court which grants an application for the registration of a club, on the application of the secretary of the club; or
- (b) a court of summary jurisdiction, at any time, upon the application by the secretary of the registered club made in accordance with the procedure set out in Schedule 4A,

may make an order under this paragraph.

(2) Subject to paragraphs (4) and (5), an order under paragraph (1) (except in the case of a nightworker’s club) may direct that on such days as may be specified—

- (a) where no order has been made under Article 24A(1), such hours as may be specified, being within the hours—
 - (i) on week-days from 11 in the evening to half past 11 in the morning of the day next following (or to half past 12 in the afternoon of the day next following if that is a Sunday); and
 - (ii) on Sunday from 10 in the evening to half past 11 in the morning of the day next following; or
- (b) where an order has been made under Article 24A(1), such hours as may be specified, being within the hours—
 - (i) on week-days, from the end of the hours mentioned in an order under Article 24A(1) to half past 11 in the morning (or to half past 12 in the afternoon if that is a Sunday); and

- (ii) on Sunday, from the end of the hours mentioned in an order under Article 24A(1) to half past 11 in the morning of the day next following (or to half past 11 in the morning in the case of Sunday being 31st December),

shall in addition to the hours mentioned in Article 24(1) (or the hours mentioned in Article 24(1) and an order under Article 24A(1) as the case may be), be included in the permitted hours in the registered club.

(3) Subject to paragraphs (4) and (5), an order under paragraph (1) in the case of a nightworker's club may direct that, on such days as may be specified, such hours as may be specified (being hours immediately before or following the end of the permitted hours) shall, in addition to the hours mentioned in Article 24(2) (or the hours mentioned in Article 24(2) and an order under Article 24A(1) as the case may be), be included in the permitted hours in the registered club.

(4) A court shall not make an order under paragraph (1) unless it is satisfied that—

- (a) during the hours mentioned in paragraph (2) or (3) on the days to be specified there is to take place a sporting event of national or international interest;
- (b) such an event will be shown, by way of television broadcast or otherwise, during those hours in the premises of the registered club specified; and
- (c) the premises of the registered club specified are suitable for the showing of such an event.

(5) Nothing in this Article shall permit the hours mentioned in paragraph (2) or (3) to be included in the permitted hours for a registered club on more than 6 occasions in any one year.

(6) Regulations may amend the conditions mentioned in paragraph (4) or (5) (including the number of occasions mentioned in paragraph (5)).

(7) Paragraphs (4), (6) and (7) of Article 24A apply to an order under paragraph (1) as they apply to an order under paragraph (1) of that Article.

(8) In this Article “specified” means specified in an order under paragraph (1).”.

Children's certificates

11. In Article 33 of the Registration of Clubs Order (children's certificates), for paragraph (3) substitute—

“(3) Subject to paragraph (4), a children's certificate shall be operational—

- (a) where the conditions in paragraph (3A) apply, at any time up to 10 in the evening; or
- (b) in any other case, at any time up to 9 in the evening.

(3A) The conditions referred to in paragraph (3)(a) are that a person under 18 is present at a private function in any part of the club premises for which a children's certificate is in force.

PART III

(3B) For the purposes of paragraph (3A), “private function” means a function which has been booked in advance in respect of that part of the club premises referred to in paragraph (3A) and which is organised by the registered club for a member and at which only the member and his guests are present.”.

Closure of registered clubs

12. After Part IV of the Registration of Clubs Order insert the following Part—

“PART IVA

CLOSURE OF PREMISES OF REGISTERED CLUBS

Closure of premises of registered clubs in an identified area

Orders to close premises of registered clubs in district experiencing disorder

41A.—(1) Where there is or is expected to be disorder in any petty sessions district, a court of summary jurisdiction acting for the district may make an order requiring the premises of registered clubs which are situated at or near the place of the disorder or expected disorder, to be closed for a period, not exceeding 24 hours, specified in the order.

(2) A court of summary jurisdiction may make an order under this Article only on the application of a police officer who is of the rank of superintendent or above.

(3) A court of summary jurisdiction may not make such an order unless it is satisfied that it is necessary to prevent disorder.

(4) Where an order is made under this Article the registered club and every official of the club shall be guilty of an offence if he knowingly keeps any premises to which the order relates open, or allows any such premises to be kept open, during the period of the order and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A constable may use such force as may be necessary for the purpose of closing premises of a registered club ordered to be closed under this Article.

Closure of identified premises of registered clubs

Closure orders for identified premises of registered clubs

41B.—(1) A senior police officer may make a closure order in relation to the premises of any registered club if he reasonably believes that—

- (a) there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety; or

(b) a public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

(2) A closure order is an order under this Article requiring the premises of a registered club to be closed for a period not exceeding 24 hours beginning with the coming into force of the order.

(3) In determining whether to make a closure order in respect of the premises of a registered club, the senior police officer shall have regard, in particular, to the conduct of the registered club in relation to the disorder or nuisance.

(4) A closure order shall—

- (a) specify the premises of the registered club to which it relates;
- (b) specify the period for which the premises are to be closed;
- (c) specify the grounds on which it is made; and
- (d) state the effect of Articles 41C to 41G.

(5) A closure order in respect of the premises of a registered club comes into force at the time a constable gives notice of it to the registered club or any official of the club.

(6) The registered club and every official of the club shall be guilty of an offence if, without reasonable excuse, he permits the premises of a registered club to be open in contravention of a closure order or any extension of it and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months, or to both.

Extension of closure order

41C.—(1) Where, before the end of the period for which the premises of a registered club are to be closed under a closure order or any extension of it (the “closure period”), the responsible senior police officer reasonably believes that—

- (a) a relevant court of summary jurisdiction will not have determined whether to exercise its powers under Article 41F(2) in respect of the closure order, and any extension of it, by the end of the closure period; and
- (b) the conditions for an extension are satisfied,

he may extend the closure period for a further period not exceeding 24 hours beginning with the end of the previous closure period.

(2) The conditions for an extension are that—

- (a) in the case of an order made by virtue of Article 41B(1)(a), closure is necessary in the interests of public safety because of disorder or likely disorder on, or in the vicinity of and related to, the premises of the registered club;
- (b) in the case of an order made by virtue of Article 41B(1)(b), closure is necessary to ensure that no public nuisance is, or is

PART III

likely to be, caused by noise coming from the premises of the registered club.

(3) An extension in relation to the premises of any registered club comes into force when a constable gives notice of it to the registered club or any official of the club.

(4) But the extension does not come into force unless the notice is given before the end of the previous closure period.

Cancellation of closure order

41D.—(1) The responsible senior police officer may cancel a closure order and any extension of it at any time—

- (a) after the making of the order, but
- (b) before a relevant court of summary jurisdiction has determined whether to exercise its powers under Article 41F(2) in respect of the order and any extension of it.

(2) The responsible senior police officer shall cancel a closure order and any extension of it if he does not reasonably believe that—

- (a) in the case of an order made by virtue of Article 41B(1)(a), closure is necessary in the interests of public safety because of disorder or likely disorder on, or in the vicinity of and related to, the premises of the registered club;
- (b) in the case of an order made by virtue of Article 41B(1)(b), closure is necessary to ensure that no public nuisance is, or is likely to be, caused by noise coming from the premises of the registered club.

(3) Where a closure order and any extension of it are cancelled under this Article, the responsible senior officer shall give notice of the cancellation to the registered club or any official of the club.

Application to court of summary jurisdiction by police

41E. The responsible senior police officer shall, as soon as reasonably practicable after a closure order comes into force in respect of the premises of a registered club, apply to a relevant court of summary jurisdiction for it to consider the order and any extension of it.

Consideration of closure order by court of summary jurisdiction

41F.—(1) A relevant court of summary jurisdiction shall as soon as reasonably practicable after receiving an application under Article 41E—

- (a) hold a hearing to consider whether it is appropriate to exercise any of the court's powers under paragraph (2) in relation to the closure order or any extension of it; and
- (b) determine whether to exercise any of those powers.

(2) The relevant court of summary jurisdiction may—

- (a) revoke the closure order and any extension of it;

- (b) order the premises to remain, or to be closed, for such period not exceeding 28 days as the court may order;
 - (c) in respect of an order under Article 24A or 24B—
 - (i) revoke the order;
 - (ii) modify the order, or in relation to the order, the hours mentioned in Article 24A(2) or 24B(2); or
 - (iii) make the continuance of the order subject to such terms and conditions as the court thinks fit.
- (3) In determining whether the premises of the registered club will be, or will remain, closed the relevant court of summary jurisdiction shall—
- (a) in the case of an order made by virtue of Article 41B(1)(a), consider whether closure is necessary in the interests of public safety because of disorder or likely disorder on the premises of the registered club, or in the vicinity of and related to, the premises;
 - (b) in the case of an order made by virtue of Article 41B(1)(b), consider whether closure is necessary to ensure that no public nuisance is, or is likely to be, caused by noise coming from the premises; and
 - (c) in either case, hear representations, if any, from the secretary of the club.
- (4) The registered club and every official of the club shall be guilty of an offence if, without reasonable excuse, he permits the premises of a registered club to be open in contravention of an order under paragraph (2)(b) or (c) and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months, or to both.

Appeal from decision of court of summary jurisdiction

41G.—(1) Any person aggrieved by a decision of a court of summary jurisdiction under Article 41F may, within 21 days from the day the decision is made, appeal against the decision to the county court in accordance with county court rules.

(2) Where an order is made under Article 41F(2)(b) to (e), the order shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the making of the order;
- (b) if such an appeal is brought, until the appeal is abandoned or determined.

Enforcement of closure order

41H. A constable may use such force as may be necessary for the purposes of closing the premises of a registered club in compliance with a closure order.

PART III

Exemption of police from liability for damages

41I.—(1) A constable is not liable for relevant damages in respect of any act or omission of his in the performance or purported performance of his functions in relation to a closure order or any extension of it.

(2) The Chief Constable is not liable for relevant damages in respect of any act or omission of a constable under his direction or control in the performance or purported performance of a function of the constable's in relation to a closure order or any extension of it.

(3) But neither paragraph (1) nor (2) applies—

- (a) if the act or omission is shown to have been in bad faith; or
- (b) so as to prevent an award of damages in respect of an act or omission on the grounds that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998 (c. 42) (incompatibility of act or omission with Convention rights).

(4) This Article does not affect any other exemption from liability for damages (whether at common law or otherwise).

(5) In this Article, "relevant damages" means damages awarded in proceedings for judicial review, the tort of negligence or misfeasance in public office.

Interpretation

Interpretation of Part IVA

41J.—(1) This Article has effect for the purposes of this Part.

(2) The premises of a registered club are open if a person enters the premises (other than an official of the registered club who enters the premises for official purposes connected with the activities of the club).

(3) The following expressions have the meanings given—

"closure order" has the meaning given in Article 41B(2);

"extension", in relation to a closure order, means an extension of the order under Article 41C;

"relevant court of summary jurisdiction", in relation to the premises of a registered club, means a court of summary jurisdiction acting for the petty sessions district in which the premises are situated;

"responsible senior police officer", in relation to a closure order, means—

- (a) the senior police officer who made the order, or
- (b) if another senior police officer is designated for the purpose by the district commander for the police district in which the premises are situated, that other officer;

"senior police officer" means a police officer of, or above, the rank of inspector."

Penalty points

13.—(1) In Article 43 of the Registration of Clubs Order (penalty points to be attributed to an offence)—

(a) in paragraph (1) for sub-paragraphs (a) and (b) substitute “a number within the range of numbers shown in relation to the offence in column 3 of Schedule 6.”;

(b) for paragraph (5) substitute—

“(5) The Department may by order subject to affirmative resolution alter a range of numbers shown in relation to an offence in column 3 of Schedule 6 (by substituting one range for another, a number for a range, or a range for a number).”.

(2) In Article 44 of the Registration of Clubs Order (endorsement of certificates of registration)—

(a) in paragraph (1), omit sub-paragraph (b) and the word “and” immediately preceding it;

(b) for paragraph (2) substitute—

“(2) Where a registered club or any official of a registered club is convicted of an offence under a provision of this Order specified in column 1 of Schedule 6—

(a) subject to paragraph (2A), where the provision is one specified in Part I of Schedule 6, the court may order there to be endorsed on the certificate of registration the penalty points to be attributed to the offence;

(b) subject to paragraph (2B), where the provision is one specified in Part II of Schedule 6, the court shall order there to be endorsed on the certificate of registration the penalty points to be attributed to the offence unless for special reasons the court thinks fit not to do so;

(c) where the provision is one specified in Part III of Schedule 6, the court shall order there to be endorsed on the certificate of registration the penalty points to be attributed to the offence.

(2A) Where a registered club or any official of a registered club who has been convicted of an offence under a provision of this Order specified in Part I of Schedule 6 (“the first offence”) is convicted of an offence under the same provision of this Order committed less than 3 years after the first offence was committed, the court shall order the penalty points to be attributed to the offence to be endorsed on the certificate of registration.

(2B) Where a registered club or any official of a registered club who has been convicted of an offence under a provision of this Order specified in Part II of Schedule 6 (“the first offence”) is convicted of an offence under a provision of this Order specified in that Part of that Schedule committed less than 3 years after the first offence was committed, the court shall order the penalty points to be attributed to the offence to be endorsed on the licence.”.

PART III

(c) in paragraph (3), for “paragraph (1)” substitute “paragraph (2), (2A) or (2B)”.

(3) For Article 45 of the Registration of Clubs Order substitute—

“Suspension of registration for repeated offences

45.—(1) Where a registered club or any official of a registered club is convicted of an offence under a provision of this Order specified in column 1 of Schedule 6, the penalty points to be taken into account on that occasion are (subject to paragraph (2))—

(a) any that are to be attributed to the offence or offences in respect of which the club or, as the case may be, the official is convicted; and

(b) any that were on a previous occasion ordered to be endorsed on the certificate of registration issued to the registered club;

and where the penalty points so taken into account number 10 or more, the court shall, by order, suspend the registration of the club.

(2) If any of the offences was committed more than 3 years before another, the penalty in respect of that offence shall not be added to those in respect of the other.

(3) The period for which registration is suspended under paragraph (1) shall not be less than 1 week or more than 3 months.

(4) The suspension of registration under paragraph (1) shall be in addition to any other penalty which may be imposed by the court.

(5) Where a court suspends the registration of a club under paragraph (1), the registration shall not be in force during the period of suspension except for the purposes of the provisions of this Order relating to the renewal of registration.”.

(4) For Schedule 6 to the Registration of Clubs Order substitute the Schedule set out in Schedule 4.

Accounts of registered clubs

14.—(1) Article 40 of the Registration of Clubs Order (accounts of registered clubs, etc.) shall be amended as follows.

(2) In paragraph (1)—

(a) for sub-paragraphs (b) to (d), substitute—

“(b) establish and maintain a system of control of its accounts, its cash holdings and all its receipts and remittances, and

(c) prepare an annual statement of accounts, and

(d) cause those accounts to be audited by a person referred to in this Article as “the auditor”, and”;

(b) omit sub-paragraphs (f) and (j);

(c) after sub-paragraph (g) insert—

“(ga) on the demand of the district commander of the police district in which the premises are situated, send a summary of those accounts and the

auditor's report thereon to that district commander, free of charge, as soon as they become available, and”.

(3) After paragraph (1) insert—

“(1A) Regulations under this paragraph may make provision for the—

- (a) system of control referred to in paragraph (1)(b) to be in such form and manner as may be directed by the Department;
- (b) annual statement of accounts referred to in paragraph (1)(c) to be in such form and contain such particulars as may be directed by the Department;
- (c) auditing of the accounts referred to in paragraph (1)(d) to be by such person and in such manner as may be directed by the Department.”.

(4) After paragraph (2) insert—

“(2A) If regulations under paragraph (1A) are contravened—

- (a) the registered club; and
 - (b) every official of the club at the time of the contravention;
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(5) In paragraph (3) after “paragraph (1)” insert “or regulations under paragraph (1A)”.

PART IV

GENERAL

Ancillary provision

15.—(1) The Department may by order subject to negative resolution make such incidental, supplementary, consequential, transitory or saving provisions as it considers appropriate for the purposes of, in consequence of, or for giving full effect to this Order or any provision of it.

(2) An order under paragraph (1) may modify any statutory provision or document.

Minor and consequential amendments and repeals

16.—(1) Schedule 5, which contains minor amendments and amendments consequential on the provisions of this Order, shall have effect.

(2) The statutory provisions mentioned in the first column of Schedule 6 are repealed to the extent set out in the second column.

Licensing and Registration of Clubs (Amendment)

PART IV

A.K. Galloway
Clerk of the Privy Council

SCHEDULES

SCHEDULE 1

Article 3(2).

SCHEDULE TO BE INSERTED IN LICENSING ORDER AS SCHEDULE 8A

“SCHEDULE 8A

APPLICATIONS UNDER ARTICLE 44 OR 44A

1. In this Schedule “application” means an application under Article 44 or 44A.
2. A person who intends to make an application shall—
 - (a) subject to paragraph 4, not more than 6 weeks nor less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises for which the application is to be made;
 - (b) not less than 2 weeks before that time, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—
 - (i) the district commander of the police district in which the premises to which the application relates are situated; and
 - (ii) the district council for the district in which the premises to which the application relates are situated.
3. The notices mentioned in paragraph 2 shall specify the kind of premises to which the application relates and shall be in such form and shall contain such information as may be prescribed by magistrates’ courts rules.
4. Paragraph 2(a) shall only apply where the application is to be made in respect of hours which include hours after the hours specified in Article 44(2) (as originally enacted).
5. The district commander mentioned in paragraph 2(b)(i), the district council mentioned in paragraph 2(b)(ii) or any person owning or residing in premises in the vicinity of the premises to which the application relates may appear at the hearing of the application and object to the court making an order—
 - (a) in the case of an application under Article 44, on any ground mentioned in Article 44(3);
 - (b) in the case of an application under Article 44A, on any ground mentioned in Article 44(3) (by virtue of Article 44A(6)).

Licensing and Registration of Clubs (Amendment)

SCH. 1

6. A person intending to object under paragraph 5 shall, not less than 1 week before the time of the court sitting at which the application is to be made—

- (a) serve upon the applicant notice of his intention to object, briefly stating his grounds for so doing; and
- (b) serve a copy of the notice upon the clerk of petty sessions.

7. The court may consider the application notwithstanding that the procedure set out in this Schedule has not been complied with if, having regard to the circumstances, it is reasonable to do so.”.

Article 8(2).

SCHEDULE 2

SCHEDULE TO BE INSERTED IN LICENSING ORDER AS SCHEDULE 10A

“SCHEDULE 10A

TABLE OF OFFENCES WITH PENALTY POINTS

PART I

OFFENCES PUNISHABLE WITH LEVEL 3 FINE ON THE
STANDARD SCALE

Article of Order	General nature of offence	Penalty points
30(5)	Selling of intoxicating liquor etc otherwise than in accordance with an occasional licence	3-4
30(9)	Failure to admit constable where there is an occasional licence	3-4
47(4)	Selling of intoxicating liquor etc. otherwise than during hours or in premises specified in an extension licence	3-4
50(1)	Selling etc. of intoxicating liquor for consumption off the premises on Christmas Day or Easter Day	3-4
51(1) (2) or (3)	Failure to comply with conditions as to sale etc. in guest houses and restaurants	3-4
52(1)	Failure to comply with conditions as to sale etc. in places of public entertainment	3-4
52A(1)	Failure to comply with conditions as to sale etc. in indoor arenas	3-4
54(1)	Failure to comply with conditions as to sale etc. in seamen’s canteens	3-4
56(1)	Permitting consumption of intoxicating liquor in unlicensed part of premises	3-4

Article of Order	General nature of offence	Penalty points
57(1) or (2)	Breaching terms of off-licence	3-4
65	Allowing prostitutes to assemble on licensed premises	3-4
69A(4)	Keeping premises open after closure made under Article 69A	3-4
80(5)	Failure to comply with licence for non-seagoing vessels	3-4

PART II

OFFENCES PUNISHABLE WITH LEVEL 4 FINE ON THE STANDARD SCALE

Article of Order	General nature of offence	Penalty points
5(3)	Failure to comply with licence in respect of certain premises	4-5
58(2) or (8)	Allowing person under 18 to be in licensed premises etc.	4-5
61(1)	Permitting drunkenness, or selling intoxicating liquor to a drunken person	4-5
71(2)	Failure to admit constable etc.	4-5

PART III

OFFENCES PUNISHABLE WITH LEVEL 5 FINE ON THE STANDARD SCALE

Article of Order	General nature of offence	Penalty points
3	Selling etc. intoxicating liquor in premises not authorised by a licence	5-6
8(1)	Failure to comply with an order to make alterations etc.	5-6
31(3)	Failure to comply with court order to make alterations etc.	5-6
41	Selling intoxicating liquor etc., otherwise than during permitted hours	5-6
55(1)	Selling liquor etc. other than of certain kind	5-6
60(1)	Selling of intoxicating liquor etc. to person under 18	5-6

Licensing and Registration of Clubs (Amendment)

SCH. 2

Article of Order	General nature of offence	Penalty points
67(1)	Supplying etc. intoxicating liquor at any entertainment	5-6
68(1)	Supplying etc. intoxicating liquor in premises used by a club	5-6
69B(6)	Permitting premises to be open in contravention of closure order under Article 69B	5-6
69F(4)	Permitting premises to be open etc. in contravention of court's decision about closure order	5-6

Article 9(2).

SCHEDULE 3

SCHEDULE TO BE INSERTED IN REGISTRATION OF CLUBS ORDER AS SCHEDULE 4A

“SCHEDULE 4A

APPLICATIONS UNDER ARTICLES 24A AND 24B

1. In this Schedule “application” means an application under Article 24A or 24B.
2. The secretary of a club who intends to make an application shall—
 - (a) subject to paragraph 4, not more than 6 weeks nor less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises of the club for which the application is to be made;
 - (b) not less than 2 weeks before that time, serve notice of the application upon the clerk of the petty sessions and at the same time serve a copy of the notice upon—
 - (i) the district commander of the police district in which the premises of the club to which the application relates are situated; and
 - (ii) the district council for the district in which the premises of the club to which the application relates are situated.
3. The notices mentioned in paragraph 2 shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.
4. Paragraph 2(a) shall only apply where the application is to be made in respect of hours which include hours after the hours specified in Article 44(2) of the Licensing (Northern Ireland) Order 1996 (as originally enacted).

5. The district commander mentioned in paragraph 2(b)(i), the district council mentioned in paragraph 2(b)(ii) or any person owning or residing in premises in the vicinity of the premises of the club to which the application relates may appear at the hearing of the application and object to the court making an order—

- (a) in the case of an application under Article 24A, on any ground mentioned in Article 24A(4); or
- (b) in the case of an application under Article 24B, on any ground mentioned in Article 24A(4) (by virtue of Article 24B(7)).

6. A person intending to object under paragraph 5 shall, not less than 1 week before the time of the court sitting at which the application is to be made—

- (a) serve upon the applicant notice of his intention to object, briefly stating his grounds for so doing; and
- (b) serve a copy of the notice upon the clerk of petty sessions.

7. The court may consider the application notwithstanding that the procedure set out in this Schedule has not been complied with if, having regard to the circumstances, it is reasonable to do so.”.

SCHEDULE 4

Article 13(4).

SCHEDULE TO BE SUBSTITUTED IN REGISTRATION OF CLUBS ORDER
FOR SCHEDULE 6

“SCHEDULE 6

TABLE OF OFFENCES WITH PENALTY POINTS

PART I

OFFENCES PUNISHABLE WITH LEVEL 3 FINE ON THE
STANDARD SCALE

Article of Order	General nature of offences	Penalty points
31(1)	Misconduct of club	3-4
40(1A)	Contravention of regulations concerning accounts	3-4
41A(4)	Keeping premises open after order made under Article 41A	3-4

Licensing and Registration of Clubs (Amendment)

SCH. 4

PART II

OFFENCES PUNISHABLE WITH LEVEL 4 FINE ON THE
STANDARD SCALE

Article of Order	General nature of offences	Penalty points
29(2)	Permitting unauthorised persons to be on premises	4-5
30(1)	Holding an unauthorised function on the premises	4-5
31(3)	Contravention of provisions of Schedule 1 which are included in the club's rules	4-5
32(2) or (7)	Allowing person under 18 to be in club premises, or bar of club premises etc.	4-5
35(1)	Permitting drunkenness etc.	4-5
38(1)(a) and (b)	Failure to comply with restrictions on advertisements relating to functions in registered clubs	4-5
42(2)	Failure to admit constable or produce books and records, etc.	4-5
42(5)	Failure to comply with written notice to produce books, etc.	4-5

PART III

OFFENCES PUNISHABLE WITH LEVEL 5 FINE ON THE
STANDARD SCALE

Article of Order	General nature of offences	Penalty points
22(1)	Supply etc. of intoxicating liquor outside permitted hours	5-6
23(1)	Failure to keep bar closed outside permitted hours	5-6
28(1)	Supply of intoxicating liquor to persons other than permitted persons	5-6
34(1)	Supply etc. of intoxicating liquor to person under 18	5-6
40	Failure to comply with requirement to—	
	(1) keep proper vouchers	5-6
	(2) establish and maintain a system of control	5-6
	(3) prepare annual accounts	5-6
	(4) have accounts audited	5-6
	(5) produce required records etc. to auditor	5-6
	(6) provide summary of accounts to district commander	5-6
	(7) provide summary of accounts to members	5-6

Article of Order	General nature of offences	Penalty points
	(8) display accounts for 4 weeks (9) retain records for 6 years	5-6 5-6
41B(6)	Permitting premises to be kept open after closure order under Article 41B	5-6
41F(4)	Permitting premises to be kept open etc. in contravention of court's decision about closure order	5-6

SCHEDULE 5

Article 16(1).

AMENDMENTS

The Licensing (Northern Ireland) Order 1996 (NI 22)

1. In Article 2(2) (interpretation), for the definition of “permitted hours” substitute—

““permitted hours”, subject to Articles 43, 44, 44A and 47, means the hours specified in Article 42;”.

2. In Article 17(3) (renewal of licences in respect of certain premises), for “44 and 45” substitute “44 and 44A”.

3. In Article 34(1)(f) (register of licences), after “44” insert “, 44A”.

4. In Article 34(1) (register of licences), after sub-paragraph (h) insert—

“(ha) particulars of any conviction of the licence holder of any offence under this Order and of any penalty points endorsed on the licence or any suspension order made in consequence of the conviction;”.

5. In Article 59 (children’s certificates)—

(a) in paragraph (9)(b) after “paragraph (2)(b) to (d)” insert “, (3A)”;

(b) in paragraph (9)(iii) for “the time mentioned in paragraph (3)” substitute “the time mentioned in paragraph (3)(a) or (b)”.

6. For Article 76(2) (appeals against suspension of licence, etc.) substitute—

“(2) When on conviction of an offence a licence is suspended the suspension shall not take effect—

(a) until the expiry of the licence for bringing an appeal against the conviction or against the suspension; and

(b) if such an appeal is brought, until the appeal has been determined or abandoned.”.

7. In Article 85(1) (modifications of Schedules, etc.), for “Schedules 9 and 10” substitute “Schedules 8A, 9 and 10”.

8. In Schedule 9, in the heading and in paragraph 1 for “Article 43, 44, 48 or 59” substitute “Article 43, 48 or 59”.

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9. In Article 2(2) (interpretation), for the definition of “permitted hours” substitute—

““permitted hours”, subject to Articles 24A and 24B, means the hours specified in Article 24;”.

10. In Article 3(2)(b) (restriction on supply etc. of intoxicating liquor on the premises of a club), after head (i) insert—

“(ia) the suspension of the registration; or”.

11. In Article 16(2)(e) (register of clubs), for “or any disqualification order” substitute “or any suspension or disqualification order”.

12. In Article 32 (young persons prohibited from bars)—

(a) in paragraph (13)(a) after “in the evening” insert “(or, where Article 33(3A) applies, before 10 in the evening)”;

(b) in paragraph (13)(b) after “in the evening” insert “(or, where Article 33(3A) applies, after 10 in the evening)”;

(c) in paragraph (14) after “in the evening” insert “(or, where Article 33(3A) applies, after 10 in the evening)”.

13. In Article 33 (children’s certificates)—

(a) in paragraph (9)(b) after “paragraph (2)(b) to (d)” insert “, (3A)”;

(b) in paragraph (9)(iii) for “the time mentioned in paragraph (3)” substitute “the time mentioned in paragraph (3A)(a) or (b)”.

14. In Article 49 (procedure in connection with cancellation and disqualification)—

(a) for the heading substitute “Procedure in connection with suspension, cancellation and disqualification”;

(b) in paragraph (1) for “A court which cancels” substitute “A court which suspends or cancels”;

(c) in paragraph (3)—

(i) for “cancels” substitute “suspends or cancels”;

(ii) after “send notice of the” insert “suspension,”.

Article 16(2).

SCHEDULE 6

REPEALS

Short Title	Extent of repeal
The Licensing (Northern Ireland) Order 1996 (NI 22).	Article 45. Article 49. In Article 73, paragraph (1)(a), in paragraph (2)(a)(i) the words from “other than an offence” to “that sub-paragraph”, and paragraph (3).

Licensing and Registration of Clubs (Amendment)

Short Title	Extent of repeal
The Registration of Clubs (Northern Ireland) Order 1996 (NI 23).	Article 74(b) and the word “or” immediately preceding it. In Article 75(2), the words “or makes an order under Article 73(3)”. In Schedule 9, paragraph 4(b). In Article 15(1)(b), the words “or 45(1)”. Article 26. In Article 27, the words “or a period authorised under Article 26”. In Article 40(1), sub-paragraphs (f) and (j). In Article 44(1), sub-paragraph (b) and the word “and” immediately preceding it.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order amends the Licensing (Northern Ireland) Order 1996 to—

- (a) extend additional permitted hours for licensed premises (also extending the hours for occasional licences and extension licences) and removes the requirement for the provision of refreshment or entertainment;
- (b) enable the courts to make orders for exceptional permitted hours;
- (c) allow children's certificates to be operational up to 10 p.m. in certain circumstances;
- (d) enable courts or police to order the closure of licensed premises when there is disorder;
- (e) provide for the courts to attribute penalty points on conviction of offences and for the penalty points to be endorsed on the licence and taken into account.

The Order amends the Registration of Clubs (Northern Ireland) Order 1996 to—

- (a) enable the courts to make orders for additional permitted hours and exceptional permitted hours;
- (b) make similar provision to the licensing amendments in relation to children's certificates and closure of club premises;
- (c) amend the existing provision on penalty points;
- (d) amend the existing provision on club accounts.